

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Glenn D. Bright,)	C/A NO. 0:12-2259-CMC-PJG
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Chris White; Ken Pollet; and P. Kaufmann,)	
Inc.,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint asserting a claim of employment discrimination based upon race. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(g), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation. On March 15, 2013, the Magistrate Judge issued a Report recommending that the case be dismissed without prejudice due to Plaintiff's failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed a response to the Report on April 1, 2013.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the

recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has conducted a *de novo* review of the record as to response made and has considered Plaintiff's response, the entire record, the applicable law, and the Report and Recommendation of the Magistrate Judge.

On October 25, 2012, the Magistrate Judge issued an order authorizing the Clerk to issue summonses in this matter and notifying Plaintiff of his responsibility to serve the summonses, together with a copy of the complaint, under Rules 4 and 5 of the Federal Rules of Civil Procedure. *See* Order at 1, 2 (ECF No. 18, filed Oct. 25, 2012).

On February 25, 2013, the Magistrate Judge issued a Show Cause order providing Plaintiff fourteen (14) days in which to provide the court in writing cause as to why service had not been accomplished within the time period provided in Rule 4(m). *See* Order (ECF No. 24, filed Feb. 25, 2013). On March 15, 2013, the Magistrate Judge issued a Report recommending that this matter be dismissed without prejudice due to Plaintiff's failure to serve Defendants in compliance with the Federal Rules of Civil Procedure.

On March 15, 2013, the Clerk received a response to the Show Cause Order indicating that Plaintiff had committed an "oversight" which was due "entirely to the Plaintiff's inability to understand and respond to the instructions" provided. Response to Court's Order at 1 (ECF No. 30). Plaintiff seeks additional time to serve Defendants.

As Plaintiff is proceeding *pro se* and because dismissal of this matter may affect Plaintiff's right to pursue legal remedies against Defendants, the court hereby finds good cause to grant Plaintiff an additional thirty (30) days from the entry date of this Order to serve Defendants with the summons

and complaint in this matter in accordance with the Rules. Plaintiff is specifically advised that failure to serve Defendants within this time period and to provide evidence of service within forty-five (45) days from the entry date of this Order will result in dismissal of this case.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 8, 2013